

(b) That article is marked in accordance with part 45 of this chapter; and

(c) An export airworthiness approval has been issued in accordance with the provisions of that agreement for that article for import into the United States.

Subpart O—Technical Standard Order Authorizations

SOURCE: Docket No. 19589, 45 FR 38346, June 9, 1980, unless otherwise noted.

EFFECTIVE DATE NOTE: By Docket No. FAA-2006-25877, 74 FR 53392, Oct. 16, 2009, subpart O of part 21 was revised, effective Apr. 14, 2010. The effective date of this revision was subsequently postponed to Apr. 16, 2011 at 75 FR 9095, Mar. 1, 2010. For the convenience of the user, the new subpart O follows the text of this subpart.

§ 21.601 Applicability.

(a) This subpart prescribes—

(1) Procedural requirements for the issue of Technical Standard Order authorizations;

(2) Rules governing the holders of Technical Standard Order authorizations; and

(3) Procedural requirements for the issuance of a letter of Technical Standard Order design approval.

(b) For the purpose of this subpart—

(1) A Technical Standard Order (referred to in this subpart as “TSO”) is issued by the Administrator and is a minimum performance standard for specified articles (for the purpose of this subpart, articles means materials, parts, processes, or appliances) used on civil aircraft.

(2) A TSO authorization is an FAA design and production approval issued to the manufacturer of an article which has been found to meet a specific TSO.

(3) A letter of TSO design approval is an FAA design approval for a foreign-manufactured article which has been found to meet a specific TSO in accordance with the procedures of § 21.617.

(4) An article manufactured under a TSO authorization, an FAA letter of acceptance as described in § 21.603(b), or an appliance manufactured under a letter of TSO design approval described in § 21.617 is an approved article or appliance for the purpose of meeting the

regulations of this chapter that require the article to be approved.

(5) An article manufacturer is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including the parts of them and any processes or services related to them that are procured from an outside source.

(c) The Administrator does not issue a TSO authorization if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location of the manufacturer's facilities places no undue burden on the FAA in administering applicable airworthiness requirements.

§ 21.603 TSO marking and privileges.

(a) Except as provided in paragraph (b) of this section and § 21.617(c), no person may identify an article with a TSO marking unless that person holds a TSO authorization and the article meets applicable TSO performance standards.

(b) The holder of an FAA letter of acceptance of a statement of conformance issued for an article before July 1, 1962, or any TSO authorization issued after July 1, 1962, may continue to manufacture that article without obtaining a new TSO authorization but shall comply with the requirements of §§ 21.3, 21.607 through 21.615, 21.619, and 21.621.

(c) Notwithstanding paragraphs (a) and (b) of this section, after August 6, 1976, no person may identify or mark an article with any of the following TSO numbers:

- (1) TSO-C18, -C18a, -C18b, -C18c.
- (2) TSO-C24.
- (3) TSO-C33.
- (4) TSO-C61 or -C61a.

§ 21.605 Application and issue.

(a) The manufacturer (or an authorized agent) shall submit an application for a TSO authorization, together with the following documents, to the Manager of the Aircraft Certification Office for the geographic area in which the applicant is located:

(1) A statement of conformance certifying that the applicant has met the requirements of this subpart and that

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the article concerned meets the applicable TSO that is effective on the date of application for that article.

(2) One copy of the technical data required in the applicable TSO.

(3) A description of its quality control system in the detail specified in § 21.143. In complying with this section, the applicant may refer to current quality control data filed with the FAA as part of a previous TSO authorization application.

(b) When a series of minor changes in accordance with § 21.611 is anticipated, the applicant may set forth in its application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

(c) After receiving the application and other documents required by paragraph (a) of this section to substantiate compliance with this part, and after a determination has been made of its ability to produce duplicate articles under this part, the Administrator issues a TSO authorization (including all TSO deviations granted to the applicant) to the applicant to identify the article with the applicable TSO marking.

(d) If the application is deficient, the applicant must, when requested by the Administrator, submit any additional information necessary to show compliance with this part. If the applicant fails to submit the additional information within 30 days after the Administrator's request, the application is denied and the applicant is so notified.

(e) The Administrator issues or denies the application within 30 days after its receipt or, if additional information has been requested, within 30 days after receiving that information.

[Doc. No. 19589, 45 FR 38346, June 9, 1980, as amended by Amdt. 21–67, 54 FR 39291, Sept. 25, 1989]

§ 21.607 General rules governing holders of TSO authorizations.

Each manufacturer of an article for which a TSO authorization has been issued under this part shall—

(a) Manufacture the article in accordance with this part and the applicable TSO;

(b) Conduct all required tests and inspections and establish and maintain a quality control system adequate to ensure that the article meets the requirements of paragraph (a) of this section and is in condition for safe operation;

(c) Prepare and maintain, for each model of each article for which a TSO authorization has been issued, a current file of complete technical data and records in accordance with § 21.613; and

(d) Permanently and legibly mark each article to which this section applies with the following information:

(1) The name and address of the manufacturer.

(2) The name, type, part number, or model designation of the article.

(3) The serial number or the date of manufacture of the article or both.

(4) The applicable TSO number.

§ 21.609 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard of a TSO shall show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(b) The request for approval to deviate, together with all pertinent data, must be submitted to the Manager of the Aircraft Certification Office for the geographic area in which the manufacturer is located. If the article is manufactured in another country, the request for approval to deviate, together with all pertinent data, must be submitted through the civil aviation authority in that country to the FAA.

[Doc. No. 19589, 45 FR 38346, June 9, 1980, as amended by Amdt. 21–67, 54 FR 39291, Sept. 25, 1989]

§ 21.611 Design changes.

(a) *Minor changes by the manufacturer holding a TSO authorization.* The manufacturer of an article under an authorization issued under this part may make minor design changes (any change other than a major change) without further approval by the Administrator. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes) and the manufacturer shall forward to the appropriate